

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2008-0235 – Downstream 973  
- Mary Street

**Z.A.P. DATE:** January 6, 2009

**ADDRESS:** 3100 Mary Street

**OWNER:** Downstream 973, L.P.  
(George H. Kronenberg, III)

**AGENT:** Granite Development  
Services (Keith Parkan)

**ZONING FROM:** I-SF-2    **TO:** GR

**AREA:** 0.515 acres (22,433 square feet)

### **SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant neighborhood commercial – conditional overlay (LR-CO) combining district zoning. The Conditional Overlay prohibits access to Mary Street.

If the requested zoning is granted for this site, then approximately 31 feet of right-of-way from the existing centerline should be dedicated for FM 973 according to the Transportation Plan.

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

January 6, 2009: *APPROVED LR-CO DISTRICT ZONING WITH CONDITIONS OF R-O-W DEDICATION AS STAFF RECOMMENDED; BY CONSENT.*

*[K. JACKSON; D. TIEMANN – 2ND] (7-0)*

### **ISSUES:**

The Applicant is in agreement with the Staff recommendation of LR-CO district zoning.

### **DEPARTMENT COMMENTS:**

The subject zoning area is undeveloped and is located on south FM 973 at its intersection with Eva Street. The property was annexed into the City in September 2001 and is zoned interim-single family residence standard lot (I-SF-2) district. The property is located just outside of the Airport Overlay Zone-3 district, also known as the ½ mile buffer. There are single family residences and undeveloped property (I-SF-2; I-RR); an electric substation, a telecommunications tower, and a few single family residences to the east (I-SF-2); undeveloped property, single family residences and a manufactured home to the south (I-SF-2; GR); and an undeveloped tract proposed for limited office (LO) zoning (C14-2008-0232), and single family residences to the west (I-SF-2). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant proposes community commercial (GR) district zoning on the property in order to be able to develop it with unspecified commercial uses. The Staff recommends the

neighborhood commercial – conditional overlay (LR-CO) combining district based on its location on FM 973, an arterial roadway and because it provides a set of compatible land uses in the context of the nearby single family residential areas. The Staff also recommends prohibiting access to Mary Street, as it is designed as a residential street, and the dedication of right-of-way on FM 973 in order to maintain acceptable traffic conditions on adjacent roadways and intersections.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	I-SF-2	Undeveloped
<i>North</i>	I-SF-2	Single family residences
<i>South</i>	I-SF-2; GR-CO	Single family residences; Manufactured home; Undeveloped
<i>East</i>	I-SF-2	Single family residences; Telecommunications tower; Electric substation; Church
<i>West</i>	I-SF-2; RR	Single family residences; Undeveloped (proposed for LO – please refer to C14-2008-0232)

**AREA STUDY:** N/A

**TIA:** Is not required

**WATERSHED:** Colorado River

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

511 – Austin Neighborhoods Council      627 – Onion Creek Homeowners Association  
 774 – Del Valle Independent School District  
 786 – Home Builders Association of Greater Austin  
 1005 – Elroy Preservation Association  
 1037 – Homeless Neighborhood Organization      1075 – League of Bicycling Voters  
 1113 – Austin Parks Foundation

**SCHOOLS:**

The subject property is within the boundaries of the Del Valle Independent School District.

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2008-0232 – Downstream 973 – 3026 South FM 973 Road	I-SF-2; RR to LO	To Grant LO-CO with conditions of additional r-o-w on 973	Scheduled for CC 2- 12-09.
C14-05-0017 –	I-SF-2 to GR-	To Grant GR-CO	Approved GR-CO

Highway 71 – 3103 Highway 71 East	CO		with CO for 2,000 trips (4-7-05).
C14-01-0075 – Shave Ice Stand – 3201 Highway 71 East	I-SF-2 to GR	To Grant GR-CO	Approved GR-CO with CO for 2,000 trips (7-19-01).
C14-01-0027 – High Performance Automotive – Highway 71 East at Cheviot Lane	I-SF-2 to GR	To Grant GR-CO	Approved GR-CO with CO for 2,000 trips (4-19-01).

**RELATED CASES:**

The property was annexed into the City limits on September 6, 2001 (C7a-01-002).

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Daily Traffic
South FM 973 Road	Varies	28 feet	Arterial	16,200 (TXDOT-2007)
West Mary Street	50 feet	22 feet	Local	Not available
Eva Street	50 feet	21 feet	Local	Not available

- There are no existing sidewalks along Mary Street, Eva Street, or South FM 973 Road.
- Mary Street, Eva Street, and South FM 973 Road are not classified in the Bicycle Plan as bike routes.
- Capital Metro bus service (route no. 350) is available along State Highway 71 East.

**CITY COUNCIL DATE:** February 12, 2009

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

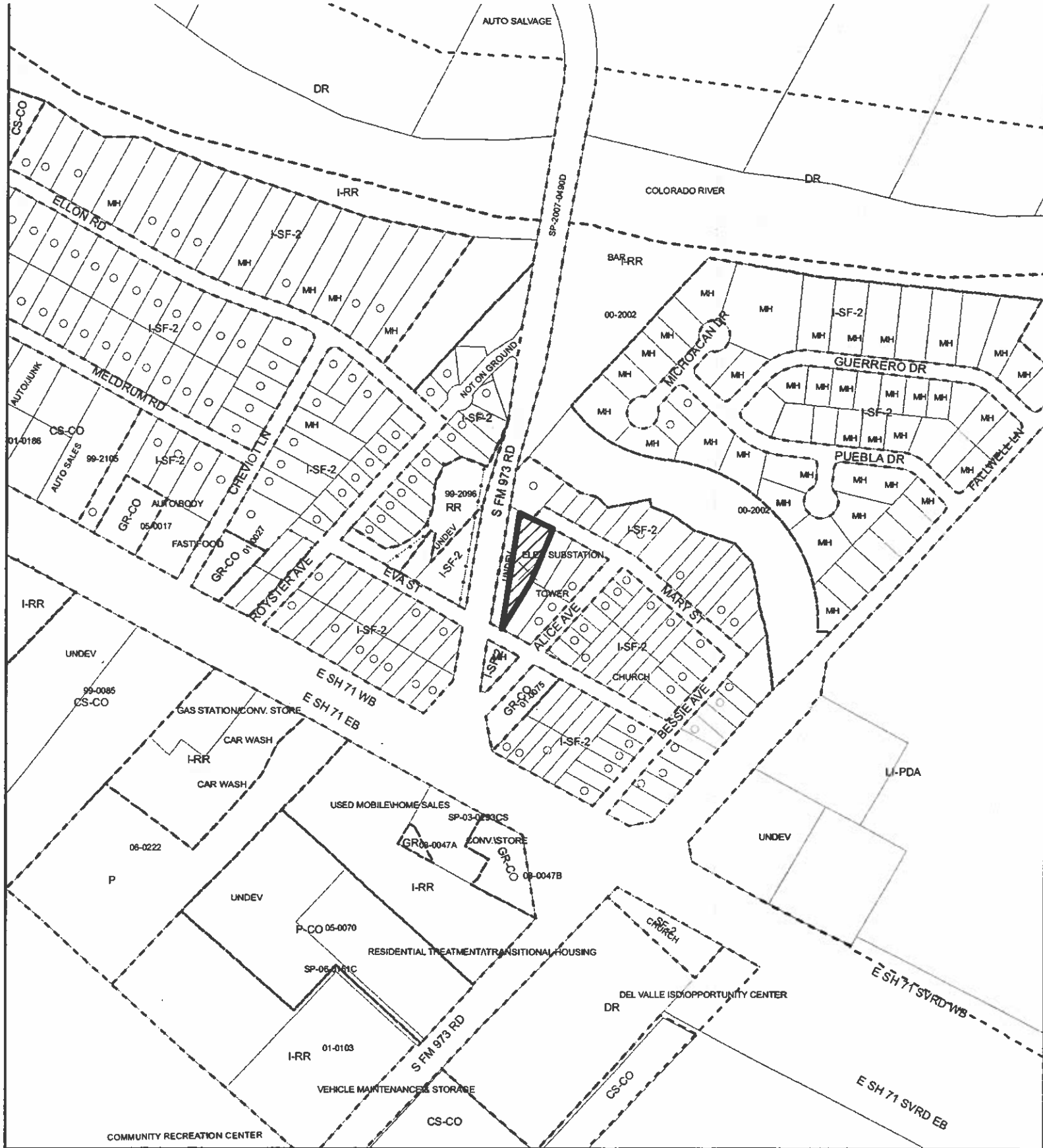
2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Rhoades  
e-mail: wendy.rhoades@ci.austin.tx.us

**PHONE:** 974-7719



**N**

1" = 400'

**ZONING**

**ZONING CASE#: C14-2008-0235**

**ADDRESS: 3100 MARY ST**

**SUBJECT AREA: 0.515 ACRES**

**GRID: P17**

**MANAGER: W. RHOADES**

**EXHIBIT A**

**CITY OF AUSTIN**

**FOUNDED 1839**

**OPERATOR: S. MEEKS**

This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





SUBJECT TRACT

FM 93  
EAST SH 71



**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant neighborhood commercial (LR) district zoning.

If the requested zoning is granted for this site, then approximately 31 feet of right-of-way from the existing centerline should be dedicated for FM 973 according to the Transportation Plan.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

- 1. The proposed zoning should be consistent with the purpose statement of the district sought.*

The LR, Neighborhood Commercial district is intended for shopping facilities that provide limited business services and offices to the residents of the neighborhood, such as consumer repair services, food sales, service stations, and pet services. The purpose statement listed in the City of Austin *Land Development Code* states: "The Neighborhood Commercial district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment."

- 2. Zoning changes should promote an orderly and compatible relationship among land uses.*

The Staff recommends the neighborhood commercial – conditional overlay (LR-CO) combining district based on its location on FM 973, an arterial roadway and because it provides a set of compatible land uses in the context of the nearby single family residential areas. The Staff also recommends prohibiting access to Mary Street, as it is designed as a residential street, and the dedication of right-of-way on FM 973 in order to maintain acceptable traffic conditions on adjacent roadways and intersections.

**EXISTING CONDITIONS****Site Characteristics**

The subject property is undeveloped and slopes to the north.

**Impervious Cover**

The maximum impervious cover allowed by the *LR zoning district* is 80%, a consistent figure between the zoning and watershed regulations.

**Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Colorado River Watershed of the Colorado River

Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

### **Transportation**

The Austin Metropolitan Area Transportation Plan calls for 140 feet of right-of-way for FM 973. If the requested zoning is granted for this site, then approximately 31 feet of right-of-way from the existing centerline should be dedicated for FM 973 according to the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55]

If the requested zoning is granted, it is recommended that access to Mary Street be prohibited as a condition of zoning because the street was designed as a rural residential roadway and was not designed for commercial traffic.

Based on the Staff recommendation of LR zoning, a traffic impact analysis was not required for this case because the traffic generated by LR zoning does not exceed the threshold of

2,000 vehicle trips per day. If GR zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day [LDC, 25-6-113, 25-6-117].

### **Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at his own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

### **Site Plan and Compatibility Standards**

Properties which have interim single family zoning (e.g. I-SF-2) are not protected by compatibility standards unless the property has an existing single family use. If these abutting properties are used for single family residences or properties within 540 feet have existing single family residences, these comments will apply.

The site is subject to compatibility standards. Along the east, west, north and south property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

Any new development is subject to Subchapter E: *Design Standards and Mixed Use*. Additional comments will be made when the site plan is submitted.

This property is outside of the Airport Overlay Zone AO-1, AO-2, or AO-3 which limits development on this property. However, this property is within the Controlled Compatible Land Use Area defined by Chapter 241 of the Local Government Code. Development on this property is limited by Chapter 25-13 of the Austin City Code. Airport hazards as defined in Federal Aviation Regulations Part 77, as adopted by the City in Sections 25-13-23, are prohibited. For more information, contact Joe Medici, Noise Abatement Officer at (512) 530-6652.



## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

**Case Number:** C14-2008-0235

**Contact:** Wendy Rhoades, (512) 974-7719

**Public Hearing:**

January 6, 2009 Zoning and Platting Commission

February 12, 2009 City Council

☐ I am in favor  
☒ I object

ANNIE DAVIDSON CHARVICH  
Your Name (please print)

3212 BESSIE AVE DEL VALLE TX 78617  
Your address(es) affected by this application

Annie Davidson Chadwick 2/26/08  
Signature Date

Comments: TO: ZONING AND PLATTING COMMISSIONS,  
PUBLIC HEARING SCHEDULED JAN 6, 2009, DEL VALLE AREA  
THE  
THAT WILL BE AFFECTED BY THIS CHANGE IS A QUIET RESIDENTIAL  
AREA THAT HAVE HAD OLDER RESIDENTS WHO WOULD BE  
ADVERSELY AFFECTED BY THE NOISE + TRAFFIC THAT THIS  
ZONING CHANGE WOULD BRING. THIS NEIGHBOR HAS BEEN  
RESIDENTIAL FOR DECADES AND I AND MY NEIGHBORS  
WOULD LIKE FOR IT TO REMAIN THAT WAY. WE HAVE  
TO MANY QUIET FARMS IN THE AREA THAT ALREADY CONTRIBUTE  
TO THE NOISE, TRAFFIC AND ACCIDENTS IN THE AREA.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Wendy Rhoades}

P. O. Box 1088

Austin, TX 78767-8810